Minnesota Plumbing Board

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Plumbing Code and Plumbing Licensing and Registration, *Minnesota Rules*, Chapters 4715 and 4716

INTRODUCTION

The Plumbing Board ("Board") proposes to adopt amendments to Minnesota Rules, Chapter 4715. These include amendments to the technical rules, commonly known as the Plumbing Code, and also amendments to the plumbing licensing rules. For purposes of clarity, the Board is proposing that the plumbing licensing rules be moved to a different rules chapter (Chapter 4716), so that the rules remaining in chapter 4715 are all properly part of the Plumbing Code. As part of the Plumbing Code, those rules will be enforced with the rest of the building code. *See* Minn. R. 1300.0050 (2007).

The Plumbing Code was last amended in 2003 (*see* 28 SR 146). Some code provisions are therefore outdated. In addition, there have been changes to the plumbing licensing laws in recent years, including the addition of two new licenses (restricted master plumber and restricted journeyman plumber) in 2007. *See, e.g.,* Minn. Stat. § 326B.475 (2008). The licensing rules therefore need to be updated as well. Finally, chapter 4715 is outdated because these rules are no longer administered by the Department of Health. They are administered by the Department of Labor and Industry, although the rulemaking authority for the Plumbing Code and plumbing licensing rules has been transferred to the Board. *See* Minn. Stat. §§ 326B.02, subd. 1; 326B.435, subd. 2(a)(3) and 2(a)(5) (2008).

The present rulemaking process was begun by the Board by publishing two requests for comments. A Request for Comments regarding amendments to the Plumbing Code was published in the *State Register* on Monday, January 7, 2008 (32 SR 1265). A Request for Comments regarding amendments to the plumbing licensing rules was published in the *State Register* on Monday, March 31, 2008 (32 SR 1824). For increased efficiency, the Board has decided to combine the amendment of both sets of rules into one rulemaking proceeding.

The following committees of the Board assisted with rule development: the Plumbing Product and Code Review Committee; and the License and Registration Committee. These committees held public meetings, created and reviewed drafts of possible rule amendments, and referred drafts to the full Board for review.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Annette Trnka, at the Department of Labor and Industry, Construction Codes and Licensing Division, 443

Lafayette Road North, Saint Paul, MN 55155-4342, telephone 651-284-5860 and fax 651-284-5743. TTY users may call 651-297-4198.

STATUTORY AUTHORITY

The Board's statutory authority to adopt and amend the Plumbing Code and plumbing licensing rules is set forth in Minnesota Statutes, section 326B.435, subdivisions 2(a)(3) and 2(a)(5):

> **Subd. 2. Powers; duties; administrative support.** (a) The board shall have the power to:
>
> ...
>
> (3) adopt the Plumbing Code that must be followed in this state and any Plumbing Code amendments thereto. The board shall adopt the Plumbing Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);
>
> ...
>
> (5) except for rules regulating continuing education, adopt rules that regulate the licensure or registration of plumbing contractors, journeymen, apprentices, master plumbers, restricted master plumbers, and restricted journeymen and other persons engaged in the design, installation, and alteration of plumbing systems, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f); ....

Minn. Stat. § 326B.435 (2008).

This rulemaking is an amendment of rules adopted by the Department of Health, and so Minnesota Statutes, section 14.125, does not apply. The rulemaking authority in Minnesota Statutes, section 326B.435, is not new rulemaking authority, but is instead a transfer of certain rulemaking authority from the Department of Health to the Plumbing Board. The Department of Health's rulemaking authority with respect to the Plumbing Code (Minnesota Statutes, section 326.37 (2006)) was amended to reflect the Board's rulemaking authority when Minnesota Statutes, section 326B.435, was enacted. Similarly, the Department of Health's rulemaking authority with respect to licensure (Minnesota Statutes, section 326.40, subd. 1 (2006)) was deleted, and the Department of Health's rulemaking authority with respect to apprentices (Minnesota Statutes, section 326.401, subd. 2 (2006)) was amended to reflect the Board's rulemaking authority when Minnesota Statutes, section 326B.435, was enacted. See 2007 Minn. Laws, chapter 140, article 6, section 4 (amending 326.37), article 6, section 5 (adding 326.3705), article 6, section 8 (amending 326.40 to delete the Department of Health's rulemaking authority regarding the examination and licensing of plumbers), and article 6, section 9 (amending 326.401); 2008 Minn. Laws, chapter 337, section 64 (renumbering 326.3705 as 326B.435).

In any event, the Dual Notice in connection with the proposed rule will be published before December 31, 2008. Section 326B.435 (formerly 326.3705) became effective July 1, 2007. See 2007 Minn. Laws, chapter 140, article 6, section 5. Accordingly, the Dual Notice will be published

less than 18 months after the effective date of Minnesota Statutes section 326B.435.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rule.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below quote these factors and then give the agency's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

Those who will be *affected* by the proposed rule, who will bear the costs of the proposed rule, and who will benefit from the proposed rule include: Plumbers and persons who wish to become plumbers; building owners; plumbing equipment suppliers and manufacturers; contractors; and Plumbing Code enforcement authorities.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

Because the Plumbing Board only adopts the Plumbing Code and plumbing licensing rules, and does not administer those rules, the Board will not incur any costs associated with the adoption of the proposed rule.

Costs to the Department of Labor and Industry include the costs of purchasing code books for state employees who deal with Plumbing Code questions as well as the cost of revising license examinations to reflect the updated code. Adoption of the proposed rule will not affect state revenues.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

There are not less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

No other methods were considered for achieving the purpose of the proposed rule.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

There are no additional costs associated with complying with the proposed amendments to the plumbing licensing rules.

With respect to the amendments to the Plumbing Code, plumbers, municipal inspection departments and designers will need to purchase or print from the Web copies of the amended Plumbing Code. Training curriculum will need to be updated to incorporate any new/changed provisions in the code. These costs are expected to be minimal. No additional construction costs related to the amendments are expected for a typical new home or commercial building.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

If amended licensing rules are not adopted, then this will cause confusion because the current rules are inconsistent with statutory amendments.

If amendments to the Plumbing Code are not adopted, this would cause the industry to continue using an outdated code that does not incorporate all the latest methods and technologies.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

There are no applicable federal regulations that address plumbing licensing issues, or that address Plumbing Code issues in the construction of non-federally owned buildings.

PERFORMANCE-BASED RULES

The Plumbing Code is performance based: it emphasizes the end result of the plumbing work rather than the method of achieving that end result. The proposed revisions to chapter 4715 are therefore also performance-based. With respect to the chapter 4716 rules regarding licensing and registration, the proposed amendments will help ensure that individuals performing plumbing work have the necessary knowledge and expertise to perform plumbing work that is in compliance with the Plumbing Code. The proposed amendments therefore implement performance-based standards to the extent practicable.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a December 4, 2008, letter by Administrative Law Judge Cervantes.

Our notice plan includes giving notice(s) required by statute. The Board will mail the Dual Notice to everyone who has registered to be on the Department of Labor and Industry's rulemaking mailing list for plumbing rules under Minnesota Statutes, section 14.14, subdivision 1a.

In addition to the rulemaking mailing list, the Board will be mailing or e-mailing the Dual Notice to trade associations involved in plumbing and building construction. Those associations are as follows:

a. Associated Builders and Contractors
b. Local chapter of the Association of Minnesota Building Officials (AMBO)
c. Minnesota Mechanical Contractors Association
d. Association of General Contractors of Minnesota
e. Builders Association of Minnesota (BAM)
f. Builders Association of the Twin Cities
g. Minnesota State Fire Chiefs Association
h. Minnesota Plumbing, Heating and Cooling Contractors Association
i. American Society of Plumbing Engineers – Minnesota Chapter
j. American Society of Civil Engineers – Minnesota Section
k. Association of Minnesota Counties
l. Building Owners and Managers (BOMA)/St. Paul
m. League of Minnesota Cities
n. American Council of E ngineering Companies of Minnesota
o. Minnesota Pipe Trades Association
p. Minnesota State Fire Marshal Division
q. Minnesota Association of Townships
r. Metropolitan Council

The Board will publish the proposed rules, the Statement of Need and Reasonableness, and Dual Notice on the Board's webpage on the Department of Labor and Industry's website. The Board will also give notice to the Legislature in accordance with Minnesota Statutes, section 14.116. The Dual Notice will be published in the *State Register*.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Board publishing the Notice of Intent to Adopt. We sent the copies on October 30, 2008. The documents included: the Governor's Office Proposed Rule and SONAR Form; almost final draft rules; and almost final SONAR. Department of Finance Executive Budget Officer Ryan Baumtrog responded as follows in a letter dated November 12, 2008: "In my opinion, the proposed changes will not impose a significant cost on local governments."

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city. The Board has made this determination based on the probable costs SONAR on page 5. The probable costs are expected to be the minimal costs of purchasing or printing new code books, and modifying training curricula to reflect the amendments. These minimal costs will not exceed $25,000 for any small business or small city during the first year after the rules take effect.

LIST OF WITNESSES

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Jim Peterson, Construction Codes and Licensing Section Chief, Plumbing Plan Review and Inspections, Department of Labor and Industry, will testify about the technical information about the Plumbing Code and the background of the proposed amendments.

2. Ms. Cathy Tran, P.E., Public Health Engineer, Department of Labor and Industry, will testify about the technical aspects of the proposed amendments.

3. Mr. John Parizek, Chair, Minnesota Plumbing Board, will testify about the Board's interest in amending the Plumbing Code.

4. Other Department of Labor and Industry staff, if necessary.

RULE-BY-RULE ANALYSIS

Chapter 4715: PLUMBING CODE

4715.0100

A number of proposed rule amendments in this part are needed for consistent use of terms in the Minnesota Plumbing Code and would provide clarification and allow easier enforcement of the rules statewide as terms are clearly defined.

Subpart 2 This proposed amendment reflects the transfer of the "administrative authority" from the Commissioner of Health to the Commissioner of Labor and Industry in accordance with Minnesota Statutes, section 326B.02, subdivision 1 (2008).

Subpart 3 This proposed amendment removes "drainage system" from the air break definition. The use of air break is directly related to the drainage system without further clarification.

Subpart 4 This proposed amendment clarifies the definition of an air gap when used in relation with the drainage system. This amendment ensures consistency.

Subpart 5 This proposed amendment clarifies the definition of an air gap when used in relation with the water distribution system. This amendment ensures consistency.

Subpart 45a This proposed amendment adds a definition of "factory trained installer" to ensure consistent enforcement and use of the term. The term is used in part 4715.0520, item L and proposed item N. The intent of the proposed definition is to ensure that the installer has been trained by the manufacturer of that specific product and a certificate of competency has been issued by that manufacturer for the completion of that training.

Subpart 55a This proposed amendment adds a definition of "fouling waste" to ensure consistent enforcement and use of the term in a proposed amendment of Minnesota Rules, part 4715.1000 as it relates to cleanout requirements. This is necessary to clarify the intent so that the drainage system can be maintained in a serviceable condition.

Subpart 61. This amendment removes specific examples of approved sewage disposal methods for individual systems. Rules governing on-site sewage disposal systems are subject to change. The existing examples in this definition included cesspools which are no longer approved by the Minnesota Pollution Control Agency as a method of sewage disposal.

Subpart 67a This proposed amendment adds a definition of "food establishment" to ensure consistent enforcement and use of the term. It is necessary since this term is used in the proposed amendment of Minnesota Rules, part 4715.1250. It is reasonable for the definition to include "food and beverage establishment" and "place of business," as defined by statute, for consistency with other statutes and because of the importance to public health of safe plumbing in these entities.

"Food and beverage establishment" is defined as follows in Minn. Stat. § 157.15, subd. 5:

> Subd. 5. **Food and beverage service establishment.** "Food and beverage service establishment" means a building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

"Place of business" is defined as follows in Minn. Stat. § 28A.03, subd. 4:

> Subd. 4. **Place of business.** "Place of business" means every location where food or food items are manufactured, processed, sold, stored, or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.
>
> Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been

manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

Subpart 71. This amendment is needed to correct a spelling error. The word "principle" is changed to "principal".

4715.0200

Item D. This amendment is intended to clarify that a building sewer must connect to the public sewer whenever such a connection is feasible as determined by the jurisdictional authority. This clarification is needed since the determination of the availability of public sewer connections is made by the local sewer district or the authority having jurisdiction over the public sewer.

Item U. This item is amended to clarify the requirement that an individual sewage treatment system must be utilized when connection to a public sewer is not feasible. In addition, the specific reference to Chapter 7080 is removed due to changes in that rule and the creation of Chapter 7081. Chapter 7080 is currently under revision to include those systems discharging 2,500 gallons per day or less from three or fewer dwellings or other establishments. Chapter 7081 is being created to regulate those systems discharging more than 2,500 gallons per day, but less than 10,000 gallons per day.

4715.0420

Subpart 1. With the increased numbers of additional materials and new technologies introduced to the market every day, it is important to adopt specific language and provide safety measures to ensure the use of material manufactured to the approved listed standards. The proposed amendment requires certification of all code approved materials. The Department of Labor and Industry and, previously, the Department of Health as well as Advisory Councils that pre-dated the Board relied on such certification when considering new materials. Adopting this amendment would establish a safety requirement which is consistent with past practices and would ensure that all code approved materials are in compliance with the listed standards, thereby helping to protect public health and safety.

Subpart 2. This proposed amendment would add new abbreviations of establishments that provide product and material standards, testing, and certification.

Subpart 3. The proposed rule amendments in this subpart are for materials and methods reflecting current technologies which have already been reviewed and approved in the past on a case-by-case basis in accordance with Minnesota Rules, part 4715.0330, Alternative Fixtures, Appurtenances, Materials, and Methods. In other words, these materials and methods have been substantiated and proven to be safe and sanitary, and have performed equally or better than authorized materials. It is reasonable then to adopt the proposed materials and methods into code, thereby increasing the number of safe and sanitary options available without the need for review under part 4715.0330.

Item 1K This item includes two proposed amendments. One amendment updates an existing code referenced standard, CISPI 301-69T to the latest edition, CISPI 301-2005,

Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications. This amendment is necessary since the currently referenced standard in the Code is non-existent today.

The other proposed amendment adopts a new standard, ASTM A888-07a, Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications. This new ASTM standard for hubless cast iron is comparable to the code referenced CISPI 301 which has been an approved standard in the code since 1969. Adoption of this new standard recognizes current technologies and materials, thereby creating an additional material option for installers and designers.

Item 1M. This amendment is proposed to reflect the actual title of the standard which consists of specific joints covered within the scope of the standard AWWA C151 for ductile iron pipe. The joints are push-on joints and mechanical joints. This is a clarification of existing language.

Item 3R. This amendment is proposed to allow the use of removable and non-removable push type fittings for joining of copper pipe that complies with ASTM Standard B88 for aboveground water distribution system. The fittings must be manufactured to comply with ASSE 1061-2006 which establishes minimum requirements for materials of construction, performance requirements for fitting joints, and required tests that include a hydraulic shock test. These fittings also must meet NSF Standard 61 for potable water components.

Item 6C(4). This amendment would update two existing code referenced standards, AASHTO MP7 and AASHTO M294, by replacing the standards with a newer standard: ASTM Standard F2306. The existing standard AASHTO MP7 has been included in the latest edition of AASHTO M294. AASHTO M294 has now been replaced with the newer standard, ASTM Standard F2306. These standards are almost identical, but the commonly used and recognized standard in the Plumbing Industry is ASTM F2306.

This item is also amended to add the allowable smaller diameter sizes of high density polyethylene (HDPE) plastic pipe used for storm sewer installations from 4 inches to 10 inches in size. These smaller ranges of pipe must be manufactured to comply with AASHTO Standard M252 with fittings that must comply with ASTM Standard D3212. Current code already allows the installation of HDPE plastic pipes in sizes 12-inch to 60-inch with joints used in the pipe that comply with ASTM Standard D3212. This standard covers the test requirements, test methods, and acceptable materials for joints using flexible elastomeric seals for plastic pipes. Documentation submitted to the Board when it considered this amendment showed that the proposed pipe sizes of 4-inch to 10-inch with joints and fittings are capable of holding a hydrostatic test of ten psi for ten minutes with no leakage as required in part 4715.0700 for storm sewers.

Item 6I. This amendment would allow the use of polyethylene/aluminum/polyethylene (PE-AL-PE) composite pressure pipe for water service for up to 1 inch. The pipe must meet NSF 14 and 61 for potable water. This pipe must also be manufactured to ASTM Standard D1282 which covers a co-extruded polyethylene composite pressure pipe with a welded aluminum tube reinforcement between the inner and outer layers

which are bonded by a melted adhesive. This proposed item recognizes current technologies, materials, and methods, thereby increasing the number of safe and sanitary options available at a lower cost.

Item WATER DISTRIBUTION. The proposed additional language in the existing subpart titled Water Distribution would include a new water distribution material for hot and cold water use inside the building. This material is polypropylene plastic pipe and fittings. The amendment requires that the material along with fittings be tested at 510 psi hoop test and 203 degrees Fahrenheit for a period of not less than 40 days. The emphasis on the required test is made to set the criteria for water distribution system use for high temperature and pressure ratings of the hot water system as currently required by other code approved plastic pipe. The proposed polypropylene pipe and fitting system must be tested for a minimum of 40 days, which is a more stringent test than the code currently requires for other plastic pipe. It is necessary to add new test criteria for polypropylene because of the type of resin material construction compared to existing plastic material.

Item 6L. This item is proposed to allow the use of larger diameter sizes of chlorinated polyvinyl chloride (CPVC) piping for water distribution in pipe size of 2½ to 6 inches which must be manufactured to comply with ASTM Standard F441 and F442. The code currently allows the use CPVC pipe complying with ASTM Standard D2846 for water distribution systems with pipe sizes of 2 inches and smaller. Under the current requirement of CPVC pipe in the code for water distribution, the proposed larger pipe and fittings has also been subjected to the additional testing of 150 psi and 210 degrees Fahrenheit as currently required for the code approved sizes of 2 inches and smaller. Acceptance of this material for water distribution will allow larger size alternative plastic pipe material for use inside the building water distribution; this will make another option available at a lower cost.

Item 6M. This amendment would separate ASTM Standard F876 and ASTM Standard F877 into independent items to allow other new joining methods available for PEX tubing. ASTM Standard F876 establishes PEX tubing only and ASTM Standard F877 is a complete PEX system with tubing and fittings which has been moved to proposed item 6N(6).

Item 6N (1). This amendment would change the formatting to accommodate other new joining methods.

Item 6N (2). This amendment would change the formatting to accommodate other new joining methods.

Item 6N (3). This amendment would add an additional type of fitting that is acceptable for use with existing code approved PEX tubing. Cold expansion fittings with metal compressions sleeves for use with PEX Tubing are added. They must be manufactured to meet ASTM Standard F2080, NSF Standard 14, and NSF Standard 61. ASTM Standard F2080 includes requirements for materials, workmanship, dimensions, tests for burst pressure, sustained pressure, excessive temperature and pressure, thermocycling, and required markings on fittings and compression sleeves. This amendment recognizes current materials and methods, thereby increasing the number of safe and sanitary options available.

Item 6N (4). This amendment would allow an additional type of fitting that is acceptable to use with existing code approved PEX tubing. Stainless steel clamps for securing PEX Tubing to Metal Insert Fittings for use with PEX Tubing are added. They must be manufactured to meet ASTM Standard F2098-01, NSF Standard 14, and NSF Standard 61. ASTM Standard F2098-01 includes requirements for materials, workmanship, dimensions and markings of the stainless steel clamps and requirements for deforming the clamps.

Item 6N (5). This amendment would allow Plastic Insert Fittings for use with PEX Tubing. These fittings must be manufactured to meet ASTM Standard F2159, and NSF Standard 14 and 61 for potable water requirements. ASTM Standard F2159 establishes materials, testing, and performance requirements for plastic insert fittings and copper crimp rings for four sizes (⅜, ½, ¾, and 1 inch) which are suitable for use with PEX tubing that meets the requirements of existing code approved ASTM Standards F876 and F877.

Item 6N (6). This amendment would allow a new designation for the PEX hot and cold water distribution systems previously listed under designation 6M. This amendment is reasonable since ASTM standard F877 establishes a PEX system that includes both tubing and fittings.

Item 6P. This amendment would add a new plastic pipe material for water distribution system inside the building. Polypropylene piping with fittings must be manufactured to ASTM Standard F2389 and must also meet Standards NSF 14 and NSF 61 for potable water. This material offers an alternative comparable in cost to other plastic piping systems currently in code and lower in cost compared to metallic piping. Adoption of this proposed material is consistent with the national model code which also approves the use of polypropylene piping for water distribution.

Item 6S. This amendment would reference the correct standard for special waste polyethylene piping ASTM Standard F1412. The current listed standard, ASTM D2239, is intended for water piping and not for special waste piping.

Item 6V. This amendment would permit the use of chlorinated polyvinyl chloride (CPVC) for special (chemical) waste piping fabricated in accordance with the International Association of Plumbing and Mechanical Officials (IAPMO) Guide Criteria 210-2005a. This material is resistant to a wide range of lab chemicals, thereby allowing an additional option for facilities to choose from. Underground installation of this piping must comply with ASTM Standard D2321 for continuous granular bed for expansion and contraction. This proposed amendment recognizes the current technologies, materials, and methods available.

4715.0510

Item G. This amendment is needed for consistency with proposed part 4715.0420, subpart 3, item 6I. Since there are many different manufacturers with different installation instructions and recommendations, it is especially important to assure that the proposed PE-AL-PE composite piping for water service outside the building is also installed in accordance with all manufacturers'

installation instructions for proper installation to assure a functional system.

4715.0520

Item L. This amendment is necessary to reflect the acceptance of additional fittings for cross-linked polyethylene (PEX) tubing systems for water distribution installations, as reflected in the proposed amendment to 4715.0420, subpart 3, items 6M, 6N(1), 6N(2), 6N(3), 6N(4) , 6N(5), and 6N(6).

Item N. This amendment is necessary to reflect the acceptance of the new polypropylene piping system (PP-R) proposed for water distribution installations inside the building, as reflected in the amendment to 4715.0420, subpart 3, item 6P. To assure the integrity and proper installation of this system, it is necessary to require that polypropylene pipe and fittings be certified by an independent third-party and that the installer is trained by the manufacturer of the system. The requirement in this part is consistent with other code approved plastic pipe systems for water distribution requirements such as cross-linked polyethylene (PEX) in 4715.0520, subpart K. Adoption of this part assures that the polypropylene system is installed correctly and that the integrity of the system can be maintained.

4715.0530

Item G. This item is being amended to include ASTM Standard D2241 PVC as referenced in the part 4715.0420, subpart 3, item 6B(4). This material is currently listed in Minnesota Rules, parts 4715.0550 through 4715.0600 as an approved material for sanitary drain, waste, and vent systems and storm drainage systems within a building, and is therefore recognized to be of such quality as to be utilized for building sewers. As with other thermoplastic drainage materials, this material is required to be installed in accordance with ASTM Standard D2321.

Item J. This new item is proposed to reflect the acceptance of existing code approved ductile iron pipe referenced in 4715.0420 subp. 3, items 1L and 1M, for use in the exterior sanitary and storm sewer piping. The pipe, which is manufactured to AWWA Standard C115 and/or C151, has been approved for use on a case-by-case basis in the past and has been demonstrated to be acceptable. This pipe is a higher quality material currently approved for water service and is rated with a higher pressure than the current code-approved sewer material. The use of this material is restricted to manhole to manhole installations with no change in direction due to the lack of standardized drainage pattern fittings for cleanouts and directional fittings.

4715.0610

Item A. This amendment is proposed to denote acceptance of chlorinated polyvinyl chloride (CPVC) for special waste piping installations as described in proposed part 4715.0420, subpart 3, item 6V, for installation inside the building. In addition, requirements of underground installation on continuous granular bedding in accordance with Standard ASTM D2321 are also prescribed to assure proper installation of plastic pipe including the proposed CPVC plastic pipe. This requirement is consistent with all other code approved plastic pipe material. This amendment is reasonable and consistent with the current requirement since this requirement is included in the

current Plumbing Code for PVC and ABS drain and waste plastic piping as described in existing part 4715.0570.

This amendment would also delete existing language allowing alternative special waste materials other than those listed in this part. The deleted language is redundant because the review and approval of alternative material is already covered in part 4715.0330.

4715.0800

Subpart 2. This subpart is amended for clarification and to update an existing code referenced standard, ASTM 564-65, to the latest edition, ASTM C564. This amendment is necessary for consistent enforcement and use within 4715.0800.

Subpart 4. This amendment would replace the existing referenced coupling standard, CISPI 301, with the correct and current standard, CISPI 310, Specification for Coupling for Use in Connection with Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications. The existing code referenced standard CISPI 301 pertains only to the pipe and fittings and does not pertain to mechanical joints for hubless cast iron.

This subpart is further amended to adopt new coupling standards for installation of hubless cast iron pipe: standards ASTM C 1277-06, Standard Specification for Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings, and ASTM C1540-04, Standard Specification for Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings. This proposed amendment provides additional specification for standard and heavy duty shielded couplings. Since the existing part only recognizes installation of standard shielded coupling, adoption of these two new standards would recognize additional joining methods for hubless cast iron pipe.

4715.0805

This amendment would add a new joint for water distribution: removable and nonremovable push-fit fittings, as added in proposed part 4715.0420, subpart 3, item 3R. For clarity, this rule would be divided into two subparts to accommodate this new joint. Proposed subpart 1 will reflect the existing code approved push-on joints for water service and is not a substantial change. Proposed subpart 2 will consist of the proposed new joint and in addition, requires the installer to be trained by the manufacturer prior to installing that manufacturer's fitting. This is necessary to ensure proper installation, since manufacturers have different installation instructions.

4715.0810

Subpart 3. This amendment adds a new subpart to accommodate an additional joining method for polypropylene plastic pipe. This reflects the acceptance of the new proposed polypropylene piping system (PP-R) for water distribution installations proposed in the amendment to 4715.0420, subpart 3, item 6P. The joining method must be in accordance with ASTM Standard F2389. Adoption of this part recognizes new material and methods available for joining plastic piping.

4715.0850

Subpart 6. This amendment is needed for consistency with proposed part 4715.0420,

subpart 3, item 3R, to recognize new push-fit fittings meeting ASSE Standard 1061-2006 for copper water tube installed for aboveground water distribution.

4715.0900

This section is amended to clarify that the fixture trap may not be located further than 30 inches horizontally from each sink compartment outlet. The maximum allowable vertical distance between a fixture outlet and the trap is currently prescribed in this section.

4715.1000

This amendment would clarify the requirement for a cleanout at each upper terminal of floor-set fixture drains. The language is added to specifically address cleanout requirements for all floor drains, floor sinks, trench drains and similar receptors that receive fouling waste such as grease, dairy processing, heavy solids, animal matters, or similar waste that may be harmful or have negative impact on the plumbing system. At the same time, an exception to the cleanout requirement is given if the floor drain or fixture branch line is less than 5 feet in length. This is reasonable because these floor drains would be within 5 feet of a main branch, and therefore can be easily and adequately cleaned by most drain cleaners.

For floor drains used for a shower drain, a recessed slop, or a similar receptor, an individual vent pipe is required in accordance with 4715.1300, subpart 4 and 4715.2620, subpart 4. The required individual vent pipe is typically located within 5 feet of a 2-inch fixture trap. Therefore, when a full size cleanout is installed in the individual vent pipe serving these floor drains used as shower drains or similar receptors, the cleanout would be provided within 5 feet of the fixture trap and is accessible for cleaning the horizontal branch drain. It is therefore appropriate not to require a cleanout on the fixture if it is installed on the vent pipe. This is reasonable and consistent with the exception for floor drains or fixture branch lines that are less than 5 feet in length.

In addition, this amendment requires a cleanout on the vertical drain or vent serving back-to-back fixtures when a common vent at the same level is utilized. When a sanitary cross is used in common venting, cleaning equipment cannot always be easily directed into the vertical drain from the trap arm unless the trap adapter is immediately adjacent to the sanitary cross. Because the horizontal distance between the sanitary cross and the trap opening will vary with building construction or drainage piping arrangement, discretion is also given to eliminate the cleanout where the vertical drain is accessible through the trap opening.

4715.1120

This section is amended to clearly state that a flammable liquids separator must be installed inside the building. This section currently implies that the separator must be inside the building by allowing a water-supplied and trapped sink to be connected to the vent of the separator, and requiring the separator vent to extend separately to a point 12 inches above the roof. Locating the interceptor inside the building eliminates accessibility concerns such as removal of snow or ice above the interceptor during winter months. This proposed amendment is consistent with past practices, and the inside location has been demonstrated to be reasonable and acceptable.

The amendment also reflects the acceptance of fiberglass construction material proposed for use in oil and flammable liquids separators. This fiberglass material must comply with ASTM Standard C-581 and must meet IAPMO Material and Property Standard, PS 80-2003b for clarifiers. This fiberglass material has been reviewed and approved for use on a case-by-case basis as an engineered and manufactured separator in accordance with part 4715.1100. This proposed amendment recognizes current technologies, materials, and methods available for installation.

4715.1210

This part is amended for clarification. Prior to the Chapter 4715 rule amendments adopted September 27, 1994, this section listed in detail the required minimum number and type of plumbing fixtures for all facilities subject to the requirements of the Minnesota Plumbing Code. The 1994 amendment to this part was intended to avoid duplication of the minimum fixture requirements listed in Chapter 1305, Minnesota Building Code. However, some facilities subject to the Minnesota Plumbing Code are in locations where the Minnesota Building Code is not enforced. This amendment is intended to clarify that the minimum fixture requirements listed in the Minnesota Building Code are applicable to any facility subject to the requirements of the Minnesota Plumbing Code, regardless of location and whether the Minnesota Building Code as a whole is applicable to the facility. This proposed amendment is necessary to provide proper and sufficient sanitary facilities for all buildings subject to the Minnesota Plumbing Code as originally intended.

4715.1250

This amendment would allow a dishwasher in a public-use building to discharge to the drainage system by an air gap instead of an air break. The current rule requires a dishwasher to discharge by an air break only, therefore prohibiting an air gap. An air gap provides a greater level of protection from sanitary sewer backup; therefore an air gap is a reasonable installation method for receiving the dishwasher discharge. Concerns of splashing are addressed in part 4715.1590 for indirect waste receptor design which includes an air gap and requires the receptor to be of such size and capacity to prevent splashing or flooding.

The amendment would also allow a residential-style dishwasher in an employee break room, or any location other than a food establishment, to discharge to a sink tailpiece or food waste grinder in the same fashion as a residential or domestic dishwasher. In contrast to a dishwasher in a food establishment, a dishwasher in an employee break room or similar locations, such as domestic dishwashers in home education classes or in testing laboratories, does not serve significant numbers of the public and is used in a similar manner to a domestic dishwasher. Fastening the dishwasher discharge line as high as possible under the countertop minimizes the possibility of sink waste entering the dishwasher drain line.

4715.1300

Subpart 4. This part is amended to clarify that individual vents installed within the trap arm distance prescribed by part 4715.2620, subpart 4, are required for those floor drains that may receive amounts of liquid waste large enough to siphon the trap seal. Individual vents are also

required for trench drains and floor sinks used as receptors. This is reasonable and necessary since trench drains and floor sinks used as receptors are likely to receive a substantial amount of liquid waste that will siphon the trap seal.

4715.1380

Subpart 2. This section is amended to further clarify the 1994 revision to this section regarding construction of shower spaces serving multiple users. The intent of both the 1994 revision and this revision is to preclude shower users from being required to stand in or walk through the wastewater flow from another shower space. The current rule requires that the floor slope and waste outlet locations preclude wastewater from one shower space from flowing into another shower space. Therefore, the current rule does not prohibit a floor and waste outlet design which would require a user to walk through the wastewater from one shower space to reach another shower space. This is necessary to provide a sanitary and healthy public shower facility for all bathers.

4715.1390

Subpart 3. This section is amended for inclusion of a new subpart for a special use sink that is adjustable to improve the safety of the elderly and people with disabilities. The sink systems must be manufactured to meet ASME Standard A112.19.12-2006, which includes lavatory, sink, and shampoo bowls. This adjustable sink system will allow a person to remain in the wheelchair while adjusting the sink vertically to the person's height to protect the person from being moved. Hence, this will minimize potential injuries and accidents. Since flexible drainage pipe is referenced in the proposed ASME Standard A112.19.12-2006 and this flexible pipe is specifically not a code approved material, it is necessary to emphasize a rigid construction of the tailpiece to assure that flexible pipe will not be installed. The clarification of rigid construction of the tailpiece will provide consistency in statewide installation and enforcement.

4715.1590

Subpart 2. This amendment would remove the cleanout location requirement. This is reasonable because cleanout locations are addressed in existing parts 4715.0970 through 4715.1030. Minnesota Rules, part 4715.1000, currently addresses the requirement of a cleanout at the upper terminal of each horizontal branch drain and therefore, this language is redundant.

Subpart 3. This amendment would require the discharge line of a domestic dishwasher to be fastened as high as possible under the countertop. This method of installation will lessen the possibility of waste from the sink backing up into the dishwasher in the event of a partial drain line blockage.

4715.1700

This part is amended to require potable water to supply to emergency showers and eyewashes. Water supply connections to emergency fixtures from process water lines or other sources that may be of compromised water quality would be prohibited. This is reasonable since

the water used in emergency situations will have immediate contact with the body and eyes, and therefore must not be jeopardized.

4715.1710

Subpart 2:

Item D. This amendment is needed for consistency with a new material proposed to be added to part 4715.0420, subpart 3, item 6I (PE-AL-PE), for installation of water service and building sewer. Adding this material in this provision is consistent with other existing plastic water service pipes.

Item E. This amendment would allow the use of an existing code approved storm sewer pipe material, 4715.0420, subpart 3, item 6C(4), corrugated high density polyethylene pipe (corrugated HDPE) as an acceptable material at water service crossing. All code-approved material used for the storm sewer system must be substantiated during adoption by the manufacturer with supportive certification that the material is able to pass the required air test or a specific internal hydrostatic pressure test requirement outlined in part 4715.0700. Hence, it is reasonable to include this proposed material in this section for the instances when installation conditions require this material at the water service crossing. In addition, the installation of this pipe would be tested upon complete installation in accordance with 4715.2820.

Subpart 3. This subpart is amended to provide additional detail regarding examples of contamination sources which may affect the potable water supply. This amendment is consistent with current practice: a 10-foot horizontal separation between water service pipes and sewer manholes or catch basins is already being enforced in these situations. In addition, the amendment clarifies that the 10-foot horizontal separation requirement must be measured from the outer edges of the pipes/contamination source. For example, designers and/or installers sometimes measure between the center of a sewer manhole and the center of a water service pipe, which does not meet the intent of the 10-foot horizontal separation.

4715.1730

Subpart 2. This item is amended to correct a spelling error.

4715.1740

This part is amended to correct an incorrect cross-reference. Minnesota Rules, part 4715.1810, as a whole, addresses water pressure booster system design. Minnesota Rules, part 4715.1740 currently references 4715.1810, subpart 3 only, which addresses water supply tank covers.

4715.1800

Subpart 1. This amendment clarifies that the combination stop and waste valves or cocks shall not be installed in underground water service piping unless approved by the administrative

authority.

Subpart 12. This amendment would add a subpart addressing a new standard for freeze resistant sanitary yard hydrants. This standard establishes performance requirements for these devices to address freezing and to prevent backflow concerns. The proposed amendment makes specific reference to ASSE Standard 1057 to establish consistency, ensure safety, and increase the level of protection in the potable water system.

4715.2120

This item is amended to clarify a requirement that no location subject to flooding is an acceptable location for a backflow prevention device. Submerging a backflow preventer may cause contaminated liquids to be drawn into the water supply system, regardless of whether or not the flooding is recurrent. It is therefore reasonable to delete the word "recurrent," to provide a higher level of protection in the water supply.

4715.2280

This amendment clarifies that water meters must be installed inside a building whenever possible. The installation of water meters below grade subject to flooding or high ground water is prohibited. This part also provides new language for the exception to allow a remote location for a water meter in an accessible structure when installation inside a building is not possible. The exception requires the meter to be installed aboveground whenever possible to protect it from any potential contamination and when aboveground installation is not possible, additional specific requirements are in place to protect the water meter from any potential flooding. This amendment is consistent with the 2007 Recommended Standards for Water Works, 10 States Standards on remote water meter location which is a recognized standard used by the Minnesota Department of Health for Public Water Supply. This is reasonable since it provides consistency between the Public Water Supply and the Minnesota Plumbing Code for a remote water meter when installation inside the building is not possible.

The amendment also addresses concerns of unsanitary condition and chemical exposure of the water meters installed in toilet rooms and near other plumbing fixtures, causing additional repairs and failures of meters. The proposed amendment specifically requires the meter to be protected by shielding from contamination when installed within five feet of a plumbing fixture. Five feet was chosen as the maximum distance that would ordinarily be subject to contamination from splashing in the use of plumbing fixtures.

4715.2310

The amendment of subpart 1 clarifies that the sizing tables in this entire section are only for gravity flow drainage. In addition, subpart 2 is amended to correct an error: the existing footnote consisting of five asterisks was inadvertently omitted from the text. Both amendments are intended for clarification and are not substantial changes.

4715.2420

Subpart 1. This subpart is amended to prohibit the use of manholes to join drainage piping inside a building. The rule currently prohibits an enlargement chamber and reduction in pipe area. The amendment is consistent with that requirement.

4715.2430

This section is amended to clarify that only drains that cannot discharge to the sewer by gravity may discharge to a sump. It is reasonable to use the word "drain" because the term "building drain" is defined in part 4715.0100, subparts 24 and 25, with respect to "sanitary" or "storm" drains specifically. The word "drain" is more general, and is appropriate here because it means any pipe carrying waste water or waterborne waste in the drainage system (see part 4715.0100, subpart 41). For those drains where a gravity connection to the sewer is possible but impractical, a pumped system may be acceptable under Minnesota Rules, part 4715.0320, subpart 3.

4715.2520

Subpart 1. This amendment would clarify that a 3-inch vent stack or stack vent is required for each sanitary sewer service if a building is provided with more than one sanitary sewer service. This is necessary because there are fluctuations in the main sanitary sewer systems in the streets introducing sewer gas and changes in pressure into the building drainage system and hence, affecting the building vents. Adoption of this amendment would ensure a higher level of safety and sanitary condition in all buildings.

4715.2580

This amendment clarifies that a maximum of two fixtures or two fixture traps may be served by a common vent, as required by this section prior to 1998. Attached as Exhibit A is a copy of the Minutes of the November 17, 1993 meeting of the prior Plumbing Code Advisory Council. These Minutes indicate the intention that the code retain the two fixture trap limit, but that the code require the traps to serve similar fixtures. However, the phrase "two fixture traps" was erroneously removed in the code revision. The current section could be interpreted to allow three or more traps to be served by a common vent or allow two fixture traps to be served by a common trap arm, which was not the intent.

4715.2610

This item is amended to correct an incorrect reference. Minnesota Rules, part 4715.2580, subpart 2 lists venting requirements for fixtures connecting to a vertical drain at different levels. The correct reference is Minnesota Rules, part 4715.2580, subpart 1, which addresses venting requirements for fixtures connecting to a vertical drain at the same level.

4715.2620

Subpart 3. This item is amended to clarify that a fixture vent pipe may not be installed

within two drain pipe diameters of the trap weir. The current section might be interpreted as requiring a vent pipe to be installed at least two vent pipe diameters from the trap weir. Because fixture vents are required to be one-half the diameter of the waste pipe at minimum, there is a direct effect on the required minimum distance between the trap and the vent.

4715.2710

Subpart 6. This item is amended to remove air conditioning plants from the list of discharge examples. The current subpart implies that the storm sewer system is an approved point of disposal for air conditioning plant discharges, which may be in conflict with other state rules and federal regulations.

4715.2760

Subpart 1. This subpart is amended to clarify that all overflow roof drains must be provided with strainers to protect the drains from leaves and debris. This subpart is also amended to add an exception to the existing requirement of four inch minimum height strainers on all roof drain and overflow drains. The exception would allow a minimum height of three inch strainers for roof drains with integral overflow drains meeting IAPMO Standard IGC 187-2005. This standard sets minimum requirements for materials in the construction, performance, and installation requirements of roof drains with integral overflow drains. To assure proper design and installation, the proposed amendment sets a condition that all the structural roof design requirements from the roof overflow loading and the engineered roof drain sumps are certified by a state-licensed structural engineer. Adoption of this amendment recognizes current technologies, materials, and methods, thereby increasing the number options available.

4715.2820

Subpart 1. This amendment is needed and reasonable because there are methods of testing approved by code in existing subpart 2 which are not air tests.

Chapter 4716: PLUMBING LICENSING AND REGISTRATION RULES

Proposed parts 4716.0010 to 4716.0050 represent the amendment of current parts 4715.3140 to 4715.3170. Because the Board needed to amend these rules and move them to a new chapter, the Revisor of Statutes suggested repealing the existing rules and adopting new rules for clarity. Accordingly, much of the language in the proposed rules reflects current rule language, as will be described below. Many of the rule changes update references from the Department of Health to the Department of Labor and Industry.

4716.0010

Subpart 1. This proposed subpart is needed and reasonable to direct the reader to other definitions applicable to the proposed rules.

Subpart 2. This definition is needed because the rules refer to "Commissioner." This definition is reasonable because it is identical to the definition in Minnesota Statutes, section 326B.01, subd. 3, and is used to replace references to the commissioner of health.

4716.0020

This proposed part is an amended version of current part 4715.3140.

Subpart 1. This amendment of part 4715.3140 would exclude restricted journeymen and restricted masters from the examination requirement. This is needed and reasonable for consistency with Minnesota Statutes, section 326B.475. This proposed amendment also specifies the circumstances in which a restricted journeyman or restricted master qualifies to take the regular journeyman or master examination. This is needed because the statute establishing the restricted licenses is silent on when an individual with a restricted license can take the regular licensing examinations. The amendment also re-writes the existing rule language for clarity.

The requirements to take the master plumber examination are reasonable. Under the current rule, a current Minnesota journeyman plumber with five years of practical plumbing experience qualifies to take the examination. See current part 4715.3140, subpart 1(A)(1) and subpart 2. Similarly, under current rule, a current master plumber in another state where the licensing requirements are equivalent to Minnesota's qualifies to take the examination. See current part 4715.3140, subpart 1(A)(2). It is reasonable for a restricted master plumber with five years of verifiable experience in business as a plumbing contractor in Minnesota to qualify to take the regular master examination because this is comparable to a journeyman with five years of experience.

The requirements to take the journeyman plumber examination are also reasonable. Under the current rule, a registered plumber's apprentice with at least four years of practical plumbing experience qualifies to take the examination. See current part 4715.3140, subpart 1(B) and subpart 2. It is reasonable that a current restricted journeyman with two years of practical plumbing experience while holding the restricted license qualifies to take the examination because, before the individual obtained the restricted journeyman license, the individual had to have at least two years of experience in the plumbing trade. See Minnesota Statutes, section 326B.475, subd. 1(a)(5). When those two years are added to the additional two years in the proposed rule, this means that the applicant will have had at least four years of experience. This is comparable to the experience required for a registered apprentice to take the examination. Under the current rule, an individual with a journeyman's license in another state which requires at least four years of experience and an examination qualifies for the Minnesota journeyman examination. See current part 4715.3140, subpart 1(B). The proposed rule deletes the word "journeyman" in proposed subpart 1(B)(2) because not all states use the word "journeyman" to refer to certain licensed plumbers.

Subpart 2. Proposed item A is the same as current rule 4715.3140, subpart 2(A). Proposed item B is comparable to current rule 4715.3170, item F, regarding apprentices. It is reasonable to expand this provision beyond apprentices because that is consistent with current practice. Proposed item C is the same as current rule 4715.3140, subpart 2(B). Proposed item D is almost

identical to current rule 4715.3140, subpart 2(C); the only difference is that the reference to "apprentice's or applicant's" experience has been changed to "applicant's" experience. This is reasonable because the apprentice is a type of applicant in this context.

Proposed item E is new, and is needed to address the experience requirements for applicants holding one of the new restricted licenses. Proposed item E(1) is reasonable because it is based on current 4715.3170, item C, for apprentices, but has half the number of hours required for apprentices. This is reasonable because the experience requirement for licensed restricted plumbers to take the journeyman examination (2 years) is half the experience requirement for registered apprentices to take the journeyman exam (4 years). Proposed item E(2) is a reasonable clarification and is consistent with proposed subpart 1(B)(2). Proposed item E(3) is reasonable to ensure that an applicant who has old, outdated experience will need to obtain more recent experience before qualifying to take the examination. This is consistent with the statutory requirement that an apprentice's four years of experience will be forfeited if the apprentice has not taken the journeyman examination within two years after completing the training. See Minnesota Statutes, section 326B.47, subd. 2.

Proposed item F is similar to current rule 4715.3170. Proposed item F(1) is comparable to current rule 4715.3170, item C. Proposed item F(2) is reasonable because most of the qualifying experience should be obtained while the apprentice is registered. This is comparable to proposed item E(2). The current rule (4715.3170, item E) allows for experience to count that the individual gained up to 12 months before registering. Proposed item F(3) expands that to a possible 24 months of pre-registration experience, under limited conditions. It is reasonable to limit those conditions to the following:

(a) Experience during military service, where the military officer certifies the experience. This is reasonable because many qualified plumbers have in the past gained their experience in the military, and persons in the military do not necessarily need to be registered or licensed in order to perform plumbing work for the military.

(b) Experience during an approved plumbing education class, where the education institution certifies the experience. Here again, the experience is valuable but no registration or license may be needed for experience gained during a plumbing class.

(c) Experience gained as a plumber's apprentice in another state, where a government agency verifies the experience. This is reasonable because an individual working as a plumber's apprentice in another state would not ordinarily be registered in Minnesota.

Proposed item G is similar to current rule 4715.3170, item D. The proposed item is modified to include restricted licenses, to exclude qualifying experience gained before registration, and to impose a recordkeeping requirement on the employer. It is reasonable to require the employer to maintain records of practical plumbing experience because, without those records, it may be impossible for the employee to obtain the experience certification needed to qualify for the licensing examination.

4716.0030

This proposed part is a re-written version of current rule 4715.3150. The fee amounts included in current rule 4715.3150 are proposed for deletion because all fee amounts have now been included in statute (see Minnesota Statutes, section 326B.49, subdivision 1). Proposed subpart 2 has also been re-written to clarify that the applicant must receive a passing grade on the examination corresponding to the license applied for.

4716.0040

This proposed part is a re-written version of current rule 4715.3160. The amendments would add language regarding the new restricted licenses. These provisions are reasonable because they are consistent with Minnesota Statutes, section 326B.475. It is also reasonable to delete references to fee amounts because fees for license renewals and for filing bonds have been moved to statute. See Minnesota Statutes, sections 326B.49, subd. 1, and 326B.46, subd. 4.

4716.0050

This proposed part is a re-written version of current rule 4715.3170, except for those portions of the rule which are included in proposed part 4716.0020, subpart 2 (as described above).

Subpart 1. This proposed subpart does not require an individual to register with the commissioner as a plumber's apprentice if the individual is employed in an apprenticeship program approved the Department of Labor and Industry. This is needed and reasonable because it is consistent with Minnesota Statutes section 326B.47, subd. 1(1).

Subpart 2. This proposed subpart is comparable to the first paragraph and items A and B of current rule 4715.3170. The proposed language deletes the outdated reference to a 1987 effective date, deletes the outdated reference to the commissioner of health, and deletes references to fee amounts which have been transferred to statute.

Repealer

It is reasonable to repeal current parts 4715.3140 to 4715.3170 because these provisions have been rewritten as proposed parts 4716.0010 to 4716.0050. The Revisor suggested this approach for clarity, in light of the Board's wish to move the licensing rules into a rules chapter separate from the Plumbing Code.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 8, 2008

John Parizek, Chair
Minnesota Plumbing Board

MINUTES OF THE NOVEMBER 17, 1993 MEETING OF THE ADVISORY COUNCIL ON PLUMBING CODE AND EXAMINATIONS

BACKGROUND INFORMATION:

The 1975 Session of the Minnesota Legislature adopted legislation creating a seven-member Advisory Council on Plumbing Code and Examinations, to be appointed by the Commissioner of Health for four-year terms. The membership of the Advisory Council consists of one practical master plumber, one practical journeyman plumber, one representative of the Commissioner of Health and four other members. The council has the authority to study and make recommendations concerning the uses of new fixtures, appurtenances, materials and methods and to advise the Department regarding examinations for the licensing of master and journeyman plumbers which are held twice a year. Minnesota statutes require that in Minnesota only licensed plumbers can do plumbing in cities of 5,000 or more.

The meeting was called to order at 8:30 a.m., on November 17, 1993 in third floor conference room at the Minnesota Department of Health, Dinnaken Building, 925 Delaware Street, S.E., Minneapolis, Minnesota.

Those present were Ralph Lichliter, Jr. (Chair), Martin Gavic, Charles Nelsen, George Jodl, Sivert Hendrickson, William Lent, and Kevin O'Laughlin, Members; Roger Foster, and Milton Bellin, Minnesota Department of Health.

BUSINESS ITEMS:

The Minutes of the August 18, 1993 meeting were approved with minor corrections.

Proposed Rule Amendments.

Staff reported that proposed Minn. Rules, p. 4715.3140, subp. 1, Item C, had become controversial and therefore would be deleted from the proposed rule amendments.

Hand-Held Showers. Mr. Stu Bennerotte inquired as to whether hand-held showers needed anti-scald protection. Discussion by others included that some owners want hand-held units only to rinse the tub, that Minneapolis has reports of two or three scaldings a year from domestic hot water, and that enforcement has not been uniform. It was the consensus of the council that all fixed and hand-held sprays at bathtubs are considered showers and are required to have anti-scald protection. It was noted that spray units to be used for tub rinsing only could be separately piped and valved for cold water only.

Pressalit Adjustable Mount Lavatory (American Standard). Mr. Ken Leingang presented the product. It is a lavatory which can be adjusted in elevation and laterally, and uses a flexible tailpiece to allow the adjustments and to form a trap. A motion was carried unanimously that to meet the Minnesota Plumbing Code, the fixture would need a fixed trap located low at the wall with a flexible tailpiece which complies with ASTM-F409 to connect from the lavatory to the trap.

Domestic Clothes Washer Standpipe. Mr. George Kreatz proposed an amendment to the code to require a 2-inch trap and drain for domestic clothes washers discharging to standpipes. This is needed because some washers now discharge at greater than 15 gpm, which is the maximum flow for a 1 1/2-inch trap. It was also noted that some manufacturers are recommending the 2-inch size, and that the 1 1/2-inch size has resulted in some direct connections when homeowners caulk the washer drainpipe

Exhibit A

Accessibilities Design Concerns. Mr. Lent provided documentation related to design problems associated with the proposed changes to the Minnesota Accessibility Rules. It will be reviewed and considered further at the next meeting.

The meeting was adjourned. The next meeting was scheduled for January 19, 1994.

Respectfully submitted,

Milton R. Bellin, Secretary
Advisory Council on Plumbing
Code and Examinations